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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,077	10/26/2000	Hideyuki Kimura	107714	1563

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EXAMINER

PATTERSON, MARC A

ART UNIT PAPER NUMBER

1772

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Please find below and/or attached an Office communication concerning this application or proceeding.

PL 10

<b>Offic Action Summary</b>	Application No.	Applicant(s)
	09/674,077	KIMURA ET AL.
	Examiner	Art Unit
	Marc A Patterson	1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 29 October 2002.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-6 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6 and 12-14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,7.
- 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1 – 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase 'sheet – shaped' is indefinite, as it is unclear what shape is being claimed. For purposes of examination, the phrase will be assumed to mean that the article has a flat surface. The phrase 'insert – bonded' is indefinite as its meaning is unclear. For purposes of examination, the phrase will be assumed to mean that a tube is bonded to the outer peripheral surface of the cylindrical article. The phrase 'peripheral surface' is indefinite as it is unclear what portion of the surface is being claimed. For purposes of examination, the phrase will be assumed to mean 'surface.' The phrase 'wherein a mark of an injection gate opening is positioned at an inner peripheral surface of the cylindrical molded body while being inwardly apart from an upper end of the insert in an axial direction and at a position corresponding to an inner portion of the insert as viewed in width directions from opposite sides of the insert' is indefinite as it is unclear what position is being claimed. For purposes of examination, the position will be assumed to be any position. Claim 1 recites the limitation "barrel portion" in line 3. There is insufficient antecedent basis for this limitation in the claim. Claim 1 recites the limitation "injection gate" in line 4. There is insufficient antecedent basis for this limitation in the claim.

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2. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase 'in a position avoiding a butted portion of both side portions of the insert' is indefinite as it is unclear what position is being claimed. Claim 2 recites the limitation "label" in line 1. There is insufficient antecedent basis for this limitation in the claim. Claim 2 recites the limitation "injection gate" in line 3. There is insufficient antecedent basis for this limitation in the claim.

3. Claims 3 – 6 and 12 – 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase 'having a pull – out mold unit and defining a core – inserting space' is indefinite as its meaning is unclear. For purposes of examination, the mold will be assumed to be any mold comprising an outer mold into which a core is inserted. The phrase 'insertion injection molding mold' is indefinite as its meaning is unclear. For purposes of examination, the phrase will be assumed to mean 'injection mold.' The phrase 'injection molding mold' is indefinite as its meaning is unclear. For purposes of examination, the phrase will be assumed to mean 'injection mold.' The phrase 'insert – bonded' is indefinite as its meaning is unclear. For purposes of examination, the phrase will be assumed to mean that a tube is bonded to the outer peripheral surface of the cylindrical article. The phrase 'peripheral surface' is indefinite as it is unclear what portion of the surface is being claimed. For purposes of examination, the phrase will be assumed to mean 'surface.' The phrase 'and thereby producing the insert – bonded cylindrical article comprising the molded body and the insert integrally bonded' is indefinite as its meaning is unclear. For purposes of examination, the phrase will be

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assumed to refer to a molded article comprising a tube which is bonded to its outer surface. The phrase 'wherein a mark of an injection gate opening is positioned at an inner peripheral surface of the cylindrical molded body while being inwardly apart from an upper end of the insert in an axial direction and at a position corresponding to an inner portion of the insert as viewed in width directions from opposite sides of the insert' is indefinite as it is unclear what position is being claimed. For purposes of examination, the position will be assumed to be any position. The phrase 'fitting, attaching and holding' is indefinite as its meaning is unclear. For purposes of examination, the phrase will be assumed to mean 'inserted.' Claim 3 recites the limitation "barrel portion" in line 16. There is insufficient antecedent basis for this limitation in the claim. Claim 3 recites the limitation "injection gate" in line 8. There is insufficient antecedent basis for this limitation in the claim. Claim 3 recites the limitation "curing" in line 12. There is insufficient antecedent basis for this limitation in the claim. The term "closely" in claim 3 is a relative term which renders the claim indefinite. The term "closely" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

4. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase 'fitted, attached and held' is indefinite as its meaning is unclear. For purposes of examination, the phrase will be assumed to mean 'inserted.' The phrase 'the molten resin is injected toward a position avoiding a butted portion of both side portions of the insert' is indefinite as it is unclear what position is being claimed.

5. Claims 5 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase 'and which further comprising' is indefinite as its meaning is unclear. For purposes of examination, the phrase will be assumed to mean 'and which further comprises.' The phrase 'upwardly pulling out' is indefinite as its meaning is unclear. For purposes of examination, the phrase will be assumed to mean 'pulling out.' The phrase 'pull out mold unit' is indefinite as its meaning is unclear. For purposes of examination, the phrase will be assumed to mean 'core.' The phrase 'by raising the knock out pin' is indefinite as it is unclear how raising a pin results in the cutting of a connection. The term 'bottom' is indefinite as it is unclear what portion of the body is being claimed. For purposes of examination, the term will be assumed to mean any portion of the body.

6. Claims 6 and 13 – 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase 'fitted, attached and held' is indefinite as its meaning is unclear. For purposes of examination, the phrase will be assumed to mean 'inserted.' The phrase 'in a state that the core of the injection molding mold is pulled out from the outer mold unit and the molding cavity is opened, forwardly moving the core into the outer mold unit, and applying a contact frictional force between the core and the insert' is indefinite as its meaning is unclear. For purposes of examination, the phrase will be assumed to mean that the tube is inserted into the outer mold first, followed by the core, thus creating friction between the

core and tube. Claim 6 recites the limitation "outer mold unit" in lines 3 and 5. There is insufficient antecedent basis for this limitation in the claim.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 – 4, 6 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyahara et al (U.S. Patent No. 4,834,638).

With regard to Claim 1, Miyahara et al disclose a cylindrical article comprising a cylindrical body (a cylindrical container; column 9, lines 46 – 52) and a tube bonded to an outer peripheral surface of the cylindrical body (column 8, lines 36 – 40). With regard to the claimed aspects of the article being 'molded by insertion molding,' and an insert being bonded to the body 'on molding,' and the body being a 'cylindrical molded body,' the scope of the claim falls within the limitations of Miyahara et al as discussed above. The method of making the article (product – by – process) is given little patentable weight. Applicant would need to demonstrate, by verified showing, the unexpected advantages accruing from the method of making as claimed.

With regard to Claim 2, the tube is bonded to the entire outer peripheral surface of the body (the tube is laminated to the container; column 1, lines 13 – 17; Figure 17).

With regard to Claims 3 – 4, Miyahara et al disclose a cylindrical article made by insertion molding with use of an injection mold (column 8, lines 17 – 29, lines 56 – 62) comprising an outer mold having a pull – out mold unit (a moveable mold; column 8, line 36) and defining a core – inserting space therein and a core to be inserted and fitted into the outer mold unit (column 8, lines 56 – 62) by inserting a tube along the inner surface of the outer mold unit (the tube is inserted into the outer mold unit; column 8, lines 20 – 23) in a cavity defined between the outer mold unit and the core inside the injection mold (column 8, lines 49 – 58) and injecting a molten resin through an injection gate opening provided in the core (column 6, lines 21 – 26; column 8, lines 56 – 58).

With regard to Claims 6 and 13, the insert is placed in the outer mold first, followed by the core (column 8, lines 17 – 23; column 8, lines 51 – 55).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyahara et al (U.S. Patent No. 4,834,638) in view of Japanese Patent No. 06246777.

Miyahara et al disclose a core for an outer mold as discussed above. The core is pulled out of an outer mold following injection molding (column 9, lines 15 – 18), and connection is cut between the resin in the injection gate opening and the cylindrical molded body (the runner branch is cut off at the inner wall of the container; column 9, lines 22 – 25). With regard to Claims 5, 12 and 14, Miyahara et al fail to disclose a core comprising a knock – out pin.

Japanese Patent No. 06246777 teaches the use of a core for an outer mold comprising a knock out pin (an ejection pin; paragraph 0021 of English translation; Figure 1) in the molding of a container to an insert for the purpose of eliminating thermoplastic resin which remains in the core (paragraph 0021 of English translation; Figure 1).

It therefore would have been obvious for one of ordinary skill in the art at the time Applicant's invention was made to have provided for a knock – out pin in Miyahara et al in order to eliminate thermoplastic resin which remains in the core during the molding of a container to an insert as taught by Japanese Patent No. 06246777.

### *Conclusion*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Patterson, whose telephone number is (703) 305-3537. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Harold

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Pyon, can be reached at (703) 308-4251. FAX communications should be sent to (703) 872-9310. FAXs received after 4 P.M. will not be processed until the following business day.

Marc A. Patterson, PhD.

*Marc Patterson*

Art Unit 1772

*Harold Pyon*  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
*1772*

*1/13/03*